UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,404	10/31/2003	Rick Pallante	NOR-1128	2114

37172 7590 10/19/2007

WOOD, HERRON & EVANS, LLP (NORDSON)
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER	
SELLMAN, CACHET I	
ART UNIT	PAPER NUMBER
1792	

NOTIFICATION DATE	DELIVERY MODE
10/19/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

krooney@whepatent.com
mhines@whepatent.com
usptodock@whepatent.com

Office Action Summary	Application No.	Applicant(s)	
	10/699,404	PALLANTE ET AL.	
	Examiner	Art Unit	
	Cachet I. Sellman	1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 August 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *10-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *10-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments, see pages 7-8, filed 8/1/2007, with respect to the rejection(s) of claim(s) 10-14, 16-17, 23, 25 and 27 under 30 USC 102 (b) have been fully considered and are persuasive. Bright does not teach receiving information from a machine readable element. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

2. Applicant's arguments filed 8/1/2007 in regards to 103 (a) rejection over Jackson Jr. in view of Strickland have been fully considered but they are not persuasive. The applicant argues that there would not be any motivation to combine the teachings of Jackson Jr (directed towards hot melt) and Strickland (directed towards machine tool industry). However, one having ordinary skill in the art that was having problems accurately inputting information regarding process parameters into a system would look in any art that found a solution to manually inputting information not just in the hot melt industry and Strickland provides the solution of using bar codes to enter process information into a computer system which prevents human error such as with operators therefore there is motivation to combine the two references.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 10-14, 16-17, 23, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bright (WO 01/7911 A1) in view of Allen et al. (US 5406315).

Bright discloses a hot-melt adhesive arrangement and glue application system that has a controller (60) operating a melting unit (30) which comprises wirelessly receiving information on at least one system condition (height in tank, color of adhesive, temperature or viscosity) into the controller and using the received information during the operation of the melting unit (page 8, line 18-page 9, line 10).

Bright teaches operating a hot melt adhesive dispensing system (abstract) having a controller operating a melting unit (page 9, lines 3-6) which comprises receiving information from a (sensor) regarding the adhesive being dispensed, utilizing the information in the controller to set a system condition of the system and operating the system according to the condition (page 8, line 18 – page 9 line 10)

Bright does not teach receiving the information from a machine readable element as required by **claims 10 and 23**.

Allen et al. teaches the use of a bar code in a melt on demand control for a hot melt ink jet printer. The bar code contains information regarding the process parameters and supply an accurate input of process parameters into the system.

It would have been obvious to one having ordinary skill in the art to include the barcode of Allen et al. into the process of Bright in order to accurately input critical process parameters into the system for the process to prevent the over heating of the adhesive etc.

The information can be used to set an application temperature, an over-temperature condition and establishing /verifying a setback temperature of the adhesive (page 9,lines 3-9) as required by **claims 11-13**. The information can be used to set a warning condition in the controller (page 8, lines 29- page 9, line 3) as required by **claim 14**. The information from the sensor can be color or viscosity, which identifies the adhesive (page 9, lines 1-10) as required by **claim 16**. The sensor can be used to monitor the height of the tank which will control the pump therefore determine the amount of adhesive in the unit (page 8, lines 18-26) as required by **claim 17**.

The information can be received electronically and optically as required by **claims 25 and 27**.

6. Claims 10, 16, 18, 21-23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson Jr. (US 5719378) and Stickland (US 2004/0222300 A1).

Jackson Jr. discloses a process for operating a hot melt adhesive system (abstract) having a controller operating a melting unit (heater) (col. 3, lines 9-13). Jackson Jr. discloses the use of a controller to control the temperature of the hot melt adhesive by manually inputting the information (col. 3, line 66 – col. 4, line 15).

Jackson Jr. does not teach wirelessly receiving information on at least one system condition into the controller from a machine readable element, and using information during the operation of the melting unit as required by **claims 10 and 23**.

Strickland discloses a method and system for efficiently configuring or programming a process control system through the use of predetermined barcode data and to utilize the barcode data to correlate with operating parameters [0008-0009] which improves data input and minimizes operator intervention [0009]. The information is scanned using a portable scanner [0017].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the process of Jackson Jr. to include the method of receiving information taught by Strickland. One would have been motivated to do so because both teach processes for providing process parameters for a certain process and Strickland further discloses that the use of a barcode (automated input) improves data input because it eliminates or minimizes the practice of employees manually typing numbers into a keyboard and increases productivity.

Strickland further discloses that the barcode will contain information about the hot melt adhesive as required by **claim 16**. The information is read from the barcode to a database as required by **claim 18**. The scanner read information from a barcode as

required by **claim 21**. The information is read from an RF transponder [0017] as required by **claim 22**. The information is optically received from the barcode as required by **claim 25**.

7. Claims 19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson Jr. in view of Strickland as applied to claim 10 above in further view of Hoffer et al. (US 6190739).

The teachings of Jackson Jr. in view of Strickland as applied to claims 10 and 23 are as stated above.

Jackson Jr. in view of Strickland does not teach the information is located on a container as required by **claims 19 and 24**.

Hoffer et al. discloses a process of applying lacquer to industrially manufactured products (abstract). Hoffer et al. teaches that the containers which hold the lacquer has a bar code that can be automatically read and used to supply application data pertaining to the lacquer to control the spraying of the material (col. 8,lines 56-62).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the process of Jackson Jr. and Strickland to include putting the bar code on the container of the hot melt adhesive. One would have been motivated to do so because Jackson Jr. and Strickland teaches the use of a bar code to read information on process parameters to improve the accuracy of inputting data however they are absent on the location of the bar code and Hoffer et al. teaches placing the bar code on the container.

8. Claims 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson Jr. in view of Strickland and Hoffer et al. as applied to claim 23 above in further view of Droz (US 7012530 B2).

The teachings of Jackson Jr. in view of Strickland and Hoffer et al. as applied to claim 23 are stated above.

Jackson Jr. and Strickland fail to teach receiving the information from an electronic chip as required by **claim 29**.

Droz teaches an electronic label which is used to read information that identifies an object. Droz teaches that labels with electronic chips are replacing labels with bar codes in automatic manufacturing cycles and it allows identification of the object (col. 1,lines 32-40). Droz teaches that the info is read through a radio signal and can be read from a scanner.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the process of Jackson Jr in view of Strickland to include the use of a label having an electronic chip as taught by Droz. One would have been motivated to do so because both teach reading information from a label and Droz further teaches how bar codes are replaced with electronic chips because of the accuracy and ability to identify and object in an automated manufacturing environment.

As stated above the information is read through an antenna (radio signal) as required by **claim 28**.

As stated in paragraph 6 above, it is obvious to place the label on the container of the adhesive as required by **claim 30**. The electronic chip can be read using a scanner as

required by **claim 31**. As taught by Droz, in an automatic system the electronic chip is read once the object in a proximity of the system as required by **claim 32**.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cachet I. Sellman whose telephone number is 571-272-0691. The examiner can normally be reached on Monday through Friday, 7:00 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cachet I Sellman
Examiner
Art Unit 1792

cis

/William Phillip Fletcher III/
Primary Examiner